

NO. 64074

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office MAY 01 1998
Returned to applicant for correction _____
Corrected application filed _____
Map filed MAY 01 1998 under 64073

The applicant **Robert W. Marshall and Nanette Marshall**, hereby makes application for permission to change the **Point of Diversion, Place of Use and Manner of Use** of water heretofore appropriated under **Proof Second Amended 02737**

1. The source of water is **Dewey Springs**, tributaries to **Warm Springs Valley Creek**
2. The amount of water to be changed **0.817 cfs** not to exceed **121.10 acre-feet**
3. The water to be used for **Municipal and Domestic**
4. The water heretofore permitted for **Irrigation, stock water and domestic**
5. The water is to be diverted at the following point **SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, T24N, R20E MDM** or at a point from which the **E $\frac{1}{4}$ corner of Section 4, T23N, R20E MDM** bears **S40°57'21"E**, a distance of **14,613.88 feet**.
6. The existing permitted point of diversion is located within 1) **SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, T24N, R20E, MDM** or at a point from which the **E $\frac{1}{4}$ corner of Section 4, T23N, R20E MDM** bears **S41°18'11"E**, a distance of **14,599.43 feet**; 2) **SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, T24N, R20E MDM** or at a point from which the **E $\frac{1}{4}$ corner of Section 4, T23N, R20E MDM** bears **S43°01'16"E**, a distance of **14,768.78 feet**.
7. Proposed place of use **See Attached Exhibit A**
8. Existing place of use **4.5 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$, 14.9 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 1.6 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.4 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.3 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 29, T24N, R20E MDM** a total of **32.7 acres**.
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Divert water to recharge area, drill recovery wells, install pumps, motor and transmission water lines to distribution system.**
12. Estimated cost of works **\$12,000,000**
13. Estimated time required to construct works **3 years**
14. Estimated time required to complete the application of water to beneficial use **10 years**
15. Remarks: **This application is to take surface water to recharge into the underground basin and pump water from recovery wells. Measuring devices will be installed at various locations to account for water budget. See Recharge, Storage and Recovery Application. The total project is to deliver 2900 acre-feet per annum to the Lemmon Valley (North Valleys of Reno) Area. The net duty of this application is zero acre-feet when combined with Claim 02737.**

By **s/Richard W. Arden, Agent**
950 Industrial Way
Sparks, Nevada 89431

Compared nsr/jr ds/cmf

Protested 7/24/98 Warm Springs Property Owners Assoc.; SEE FILE FOR LIST
over-ruled 9/11/01 see Ruling No. 5066

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place and manner of use of the waters of Dewey Springs tributary to Warm Springs Valley Creek, as heretofore appropriated under Proof V02738 as appears in the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, is issued subject to the terms and conditions in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of recoverable water under Permits 64073, 64074 and 64075 will be limited to a maximum of 468.3 acre-feet annually or 68% of the measured decreed water of Warm Springs Creek, Dewey Springs and Pradere Springs. The amount of water available for recovery will be based on a calendar year. Before any water will be credited for recovery under Permits 64076, 64077, 64078 and 64079, the total decreed water right in the amount of 688.2 acre-feet under Permits 64073, 64074 and 64075 must be measured and recorded by a continuous recording stream gage, at a location approved by the State Engineer, upstream of the recharge area.

The total amount of water recoverable under Permits 64076, 64077, 64078 and 64079 will be limited to 62.5% of the flows in excess of the 688.2 acre-feet of the total decreed water rights under Permits 64073, 64074 and 64075, but not to exceed 1,188.0 acre-feet annually.

The total combined duties credited for recovery under Permits 64073, 64074, 64075, 64076, 64077, 64078 and 64079 is limited to 1,656.3 acre-feet annually.

The amount of water recoverable under Permits 64073, 64074, 64075, 64076, 64077, 64078 and 64079 will be determined on an annual basis, from the stream and spring flow data collected. No carry over credit is allowed under these permits unless approved by the State Engineer under a separate recharge, storage and recovery permit. It will be the responsibility of the permittee for maintenance and repair of any monitoring device required by the State Engineer. During any period of time when the continuous recording stream gage is inoperable for seven or more consecutive days, no credit for that period of time that the measuring device is out of operation will be given towards the amount of water available for recovery.

Daily records must be kept as to the amount of water passing the continuous recording stream gage on Warm Springs Creek upstream of the recharge area.

Weekly reports must be kept of the amount of water passing the existing weirs on Pradere Springs, Dewey Springs and Paiute Creek. The records must be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

The State Engineer reserves the right to require additional stream and spring flow measurements, installation of measuring devices and reporting as deemed necessary to quantify the available resources of Warm Springs Creek, Dewey Springs and Pradere Springs and tributaries for recharge and recovery.

With the issuance of Permits 64073, 64074, 64075, 64076, 64077, 64078, and 64079, Proofs of Appropriation V-02737, V-02738 and V-02739 and Permits 28273, 28367, 28369, and 34960 are totally abrogated.

The issuance of Permits 64073, 64074, 64075, 64076, 64077, 64078, and 64079 are subject to the terms and conditions as set forth in State Engineer Ruling No. 5066, issued September 11, 2001.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.817 cubic feet per second, **but not to exceed 121.1 acre-feet annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:

January 2, 2004

Proof of completion of work shall be filed before:

February 2, 2004

Water must be placed to beneficial use on or before:

January 2, 2012

Proof of the application of water to beneficial use shall be filed on or before:

February 2, 2012

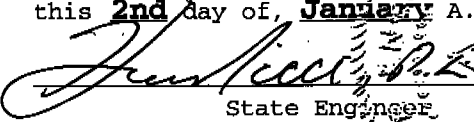
Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 2nd day of, January A.D. 2002


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

N/A

Certificate No. _____

Issued _____

Abrogated By: 71298-10917 Exp 7.31.04

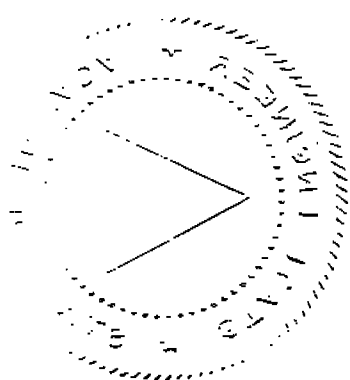


EXHIBIT "A"

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, all in T21N R19E MDM.

Section 36, T21N R18E MDM.

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, all in T20N R19E MDM.

Sections 1 and 12 T20N R18E MDM.

